

## Use of Visiting Judges in the Federal Courts

Federal judges are commissioned to a specific court and have no authority to hear matters in other courts unless they are “designated” to do so. Federal law provides that Article III judges may sit by designation and assignment in any other federal court having a need for their services. Circuit chief judges must authorize intracircuit assignments – assignments of judges within their circuits to sit with other courts within the circuit. The Chief Justice of the United States must authorize intercircuit assignments – assignments of judges from one circuit to sit in another circuit or with the Court of International Trade. See 28 U.S.C. §§ 291-296.

Federal courts are always seeking ways to more effectively and efficiently manage rising caseloads. Visiting judges provide short-term assistance to courts with particularly high caseloads, both between circuits and among court districts within a circuit. In addition to helping with heavy caseloads, judges visit to assist in recusal situations, judicial illness or disability, or where judgeship vacancies exist. A more recent use for visiting judges has been in the case of natural disasters when there is a need to relocate court proceedings. When Puerto Rico was hit by hurricanes, visiting judges helped the court continue to operate by presiding over cases arising from the emergency relocation of prisoners from Puerto Rico to other districts.

The work of visiting judges is facilitated by the Judicial Conference’s Committee on Intercircuit Assignments. In FY 2019, the committee recommended, and the Chief Justice approved, 222 intercircuit assignments of Article III judges. The committee also reviewed and concurred with 18 intercircuit assignments of magistrate judges and bankruptcy judges. For the 12-month period ending Sept. 30, 2019:

- Visiting Article III judges
  - participated in 3,304 appeals;
  - closed 1,048 civil cases;
  - closed matters involving 4,105 criminal defendants.
- Visiting magistrate judges
  - closed 18 civil cases;
  - closed 1,768 matters involving criminal misdemeanors and petty offenses.
- In the bankruptcy courts, judges provided 6,136 hours of visiting assistance.